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April 1, 2003

01-AFC-17

3 4/17

Mr. Jim Bartridge, Project Manager
California Energy Commission
1516 Ninth Avenue
Sacramento, CA 95814

CALIF ENERGY COMMISSION

APR 04 2003

RECEIVED IN DOCKET

Re: Inland Empire Energy Center (Docket No. 01-AFC-17)

Dear Mr. Bartridge:

On behalf of the Romoland School District, I am writing to provide further information regarding the significant adverse environmental impact that the Inland Empire Energy Center (IEEC) will have on the District, to propose the specific language of 2 conditions to the CEC's certification of the IEEC that would address the District's concerns, and to correct certain misinformation regarding the District's formerly planned Ashby school site that was communicated to you in the September 13, 2002, letter from Calpine's Michael A. Hatfield.

The Romoland School District continues to assert that the uncontradicted evidence in your record demonstrates that the planning for and (assuming it occurs) the ultimate CEC certification of the IEEC facility has imposed and will continue to impose significant burdens on the District with regard to the loss of the District's planned Ashby school site and the potential future need for the District to relocate the existing Romoland School. These 2 impacts and District's proposed mitigation conditions are addressed separately below.

1. The Ashby School Site.

As a result of the IEEC siting decision, the California Department of Education (CDE) has advised the District to abandon its ongoing plan to construct a third K-8 elementary school at the Ashby site and to relocate the school at an estimated additional cost of approximately \$2 million to the more remote McCall Mesa site.

The District recognizes that there is general community support for the IEEC and it has not opposed the plant's certification. Instead, the District has acted cooperatively and

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responsibly to relocate its planned third school. Having done so, the District believes it is only right and fair that the CEC exercise its responsibility under 20 CCR § 1755(c)(1) to condition its certification of the IEEC by requiring the applicant to bear the District's incremental financial cost of mitigating IEEC's impact and moving the school. The District is perfectly willing to have the CEC "condition the condition" by imposing on the District an obligation to attempt in good faith to pursue other available State funds for the incremental cost of the Ashby school relocation (which it already is doing) and to make the IEEC project applicant responsible only for the unfunded gap. The District is not looking to receive a financial windfall. On the other hand, with a \$400 million energy plant causing such significant disruption to the local community's planning, it is not much to ask for the CEC to require the project applicant to contribute its fair share of the cost it is imposing as a result of what appears to be the eventual and inevitable construction of the IEEC.

The District submits that a condition be included in the CEC's final order that reads essentially as follows:

"____. Within [90] days from the date of this Order, the applicant shall pay to the Romoland School District the sum of Two Million Dollars (\$2,000,000) as mitigation for the additional costs incurred by the District in relocating the District's formerly planned K-6 public elementary school from the Ashby site to the currently proposed McCall Mesa site. For a period of not less than two (2) years after the date of this Order, the District shall exercise reasonable and good faith efforts to obtain alternative funding from the State of California sufficient to cover the District's incremental additional costs of relocating from the Ashby site to the McCall Mesa site and, to the extent the District is successful in obtaining such funds, the funds shall be reimbursed promptly to the applicant (in an amount not to exceed the applicant's initial contribution)."

The District would also like to correct some misinformation and misstatements previously submitted by the project applicant to the CEC regarding the Ashby school site issue.

First of all, and contrary to the statement at page 1 of Calpine's September 13, 2002, letter to you, there has only ever been 1 Ashby site, not 2. The District has no idea where Calpine got the idea that the District planned at some point in time to locate a school within the area depicted in the attachment to that letter as a retention basin (the so-called "Ashby 2"). As far as the District knows, the retention basin has always been planned to be a retention basin and its size is far less than the 15 acres minimum that is required by the District to construct its next K-8 school.

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The District also takes issue with the statement on page 1 of Calpine's September 13, 2002, letter that the "Ashby 1" site (again, the only Ashby school site that has ever existed) is "in excess of 1,700 feet from the IEEC project site property line." In fact, the District has determined that the exact distance is 1,566 feet plus or minus 1 foot (see attached December 2, 2002, letter from The Planning Center). The District acknowledges that the 1,566-foot distance is further than the 900-foot distance that had been previously thought to be correct. As The Planning Center noted in its December 2, 2002, letter, the discrepancy is explained by the fact that Calpine's Application for Certification (AFC) was ambiguous and did not clearly identify the south property line. For example, throughout both the AFC and the Preliminary Staff Assessment (PSA) references were made about the project site being located along McLaughlin Road (see, e.g., Figure 5.9-6 of the AFC), whereas in actuality there is a parcel located between the IEEC project site and McLaughlin Road that was not mentioned in either the AFC or the PSA.

In any event, the important point is that the past confusion regarding the precise distance between the IEEC project site and the boundary of the formerly planned Ashby school site had no bearing on the outcome: the CDE would have disapproved the Ashby school site anyway. As stated in the November 14, 2002, letter from James F. Bush, Assistant Director of the CDE's School Facilities Planning Division, to you, even after being informed of the greater setback between the IEEC and the (former) Ashby site, CDE's reaction was that it "still recommends that the District pursue their alternative site, which is further away from the proposed plant." (This CDE position was correctly noted in your December 20, 2002, Status Report No. 9.)

As the CDE noted in its earlier September 24, 2002, letter (also in your file), CDE utilizes different siting criteria for public schools than the CEC may feel comfortable in utilizing when certifying the location of a new power plant. The CDE includes factors in its analysis that go beyond the "risk assessment" utilized by the CEC such as the cumulative impacts of reasonably anticipated future development, the availability of better alternative school sites, the heightened sensitivity of school children to environmental hazards, and the lack of absolutely reliable health risk data upon which to base a completely informed opinion. In other words, while the CEC is faced with the difficult task of locating power plants in developed and developing areas and may be more aggressive in doing so to accomplish its mission, the CDE takes the most conservative risk adverse approach and will push a school district (such as the Romoland School District here) to avoid a potential environmental problem if an alternative is available. The bottom line is that the Romoland School District lost the Ashby school as a direct and immediate consequence of IEEC's siting decision.

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2. The Existing Romoland School.

The District has also in the past expressed its concerns to the CEC that the IEEC, together with the cumulative impacts of other existing and reasonably anticipated future industrial development in the vicinity of the IEEC, ultimately will require relocation of the District's Romoland School. It is significant that in its September 24, 2002, letter to the CEC, the CDE noted that if the District were proposing today to locate the Romoland School a mere 1,100 feet from the IEEC "in all likelihood [the CDE] would not approve it as a school site" for the same reasons the CDE disapproved the Ashby site. (*Id.*, p. 3.) In order to plan responsibly for its future school siting needs while there are still alternatives available, the District has engaged The Planning Center to perform a risk assessment for the Romoland School in order to enable the District to hopefully qualify for "facilities hardship" funds that are available in limited circumstances for the relocation of schools that suffer from significant health or safety risks. Previously the District had proposed that Calpine commit to funding a portion of the school relocation costs. Since the fate of the Romoland School cannot be predicted with certainty at this time, however, the District is willing to propose instead that Calpine pay for the District's risk assessment, at a cost not to exceed \$100,000, and that Calpine be required to cooperate with the District and support District efforts to obtain available State and local funding for relocation of the school if such relocation is determined to be appropriate by the CDE. The wording of the District's proposed condition would be essentially as follows:

"___ Within [90] days from the date of this Order, the applicant shall pay to the Romoland School District the sum of One Hundred Thousand Dollars (\$100,000) to compensate the District for the cost of preparing and processing a risk assessment of the District's existing Romoland School in light of the pending construction and operation of the IEEC and other existing and reasonably anticipated future industrial uses in the vicinity of the IEEC. In addition, if the California Department of Education determines as a result of this risk assessment and other information that the Romoland School should be relocated, the applicant shall cooperate in good faith with the District and support the District's efforts to obtain available State and local funding (including without limitation redevelopment funding) for relocation of the school."

* * *

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The Romoland School District is attempting to be a good neighbor. All it asks is that if Calpine wants to move into the District's neighborhood and the ripple effect of that decision is to force the District to spend an extra \$2 million moving a planned school site to an inferior location and to plan for the possible relocation of an existing school site, the CEC ought to face up to the reality of what has happened and help the District obtain fair mitigation. Certifying the IEEC subject to the condition requested by the District would be a win-win both for Calpine and generations of Romoland school children.

Very truly yours,

RUTAN & TUCKER, LLP



Jeffrey M. Oderman

JMO:mmm

cc: Mr. Robert Pernell, Presiding Member, CEC
Mr. James D. Boyd, Associate Member, CEC
Major Williams, Hearing Officer, CEC
Mr. Roland Skumawitz, Superintendent, Romoland School District
Mr. Fred Good, Ed. D.
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December 2, 2002

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Mr. Roland Skumawitz
Superintendent
Romoland School District
25900 Leon Road
Homeland, CA 92548

Subject: Distance Between Ashby School Site and IEEC Facility
ROM - 01.1E

Dear Mr. Skumawitz:

At your request, The Planning Center reviewed and evaluated Calpine's Inland Empire Energy Center Application for Certification and the California Energy Commission's Preliminary Staff Assessment on behalf of the Romoland School District. Using the description of the IEEC project site as depicted in the AFC and PSA, as well as using our Geographic Information System (GIS), we calculated the distance between the IEEC facility and Ashby School site to be 1,566 feet, \pm 1 foot. The measurement was taken at the southwest and northeast corners of the IEEC and Ashby sites, respectively (Attachment A).

We understand that a previous calculation placed the distance between the IEEC facility and the Ashby School site at 900 feet. We believe that this discrepancy occurred because the description, both language and corresponding graphics, of the location of the IEEC project site in both the AFC and PSA are very general and difficult to comprehend. Although the AFC provides the parcel number of the IEEC facility, graphics identifying the exact location of the proposed IEEC site are ambiguous and do not clearly identify the south property line. The following are excerpts from the project description sections of AFC and PSA:

Application for Certification: "The IEEC will be located near the town of Romoland on approximately 45.8 acres (Assessor's Parcel Number 331-180-08; Section 14, Township 6S, Range 3W) currently under IEEC's control. The site is located in unincorporated Riverside County in the Menifee North Specific Plan Area between Ethanac Road to the north and McLaughlin Road to the south with Antelope Road forming the western boundary of the site. Figure 3.2-1 is a regional location map, and Figure 3.2-2 (see pocket at end of section) illustrates the location of the generating facility, electric transmission line, natural gas supply line alternatives, and non-reclaimable wastewater discharge line." Inland Empire Energy Center AFC, Section 3.0 Facility Location and Location, Page 3-1.

Preliminary Staff Assessment: "The project site is located approximately six miles west of the City of Hemet, four miles east of the City of Perris, and 30-miles southeast of the City of Riverside, near communities of Romoland and Sun City, in an unincorporated portion of Riverside County (See Project Description Figure

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December 2, 2002

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1). The 46- acre project site is bordered by Ethanac Road and the Burlington Northern Santa Fe (BNSF) railway to the north, Antelope Road to the west, McLaughlin Road to the south, and San Jacinto Road to the east." Preliminary Staff Assessment, Project Description, Page 3-1.

Throughout both the AFC and PSA, references are made about the project site being located along McLaughlin Road; figure 5.9-6 of the AFC (Attachment B) identifies the south property line on McLaughlin Road. However, there is a parcel located between the IEEC project site and McLaughlin Road that is never mentioned in either the AFC or PSA.

As explained above, the information provided in the AFC and PSA is not detailed, is easily misinterpreted and apparently led to an incorrect measurement of the distance between the school site and IEEC facility.

Sincerely,

THE PLANNING CENTER

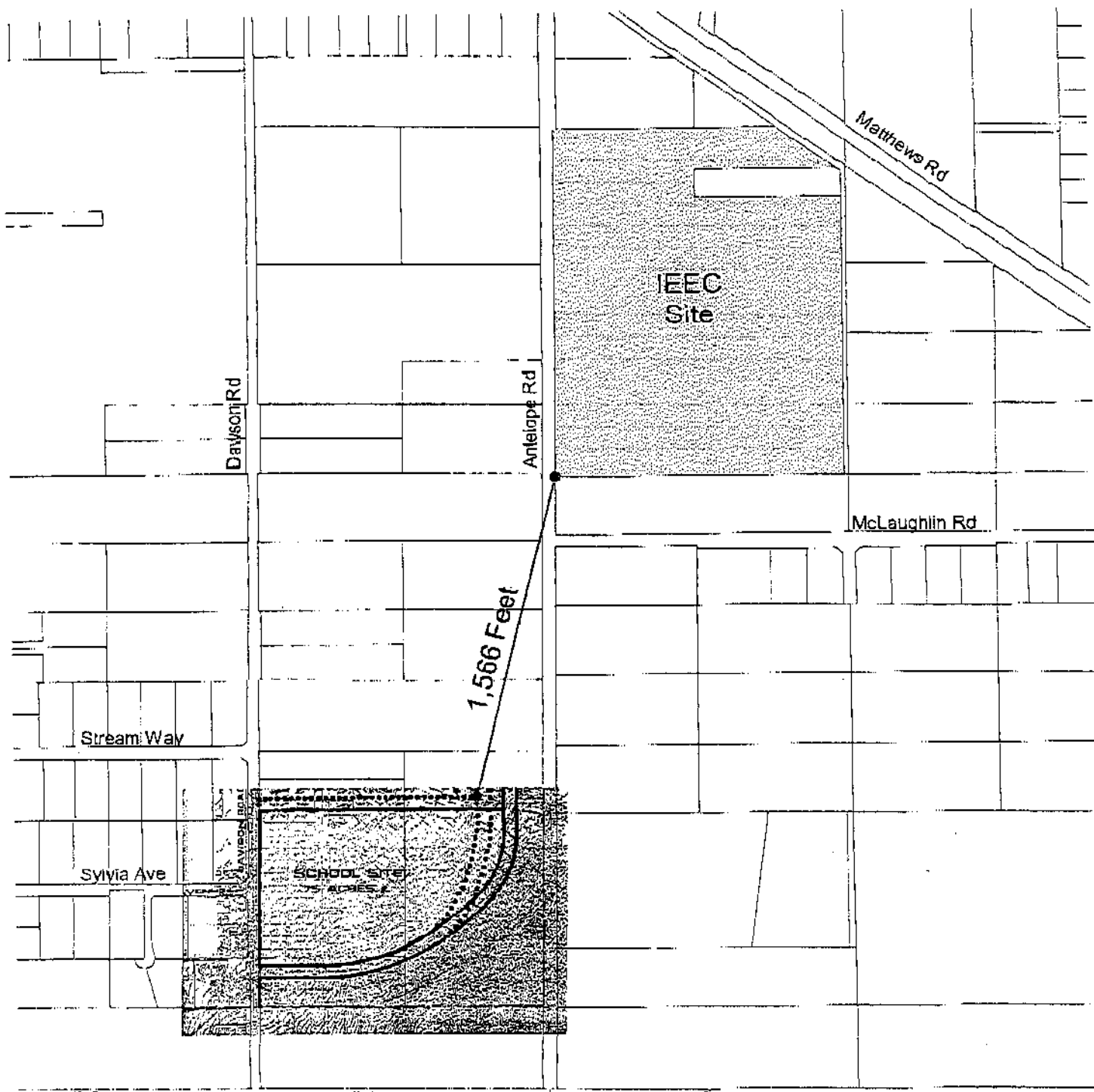


Dwayne Mears, AICP
Principal

Enclosures

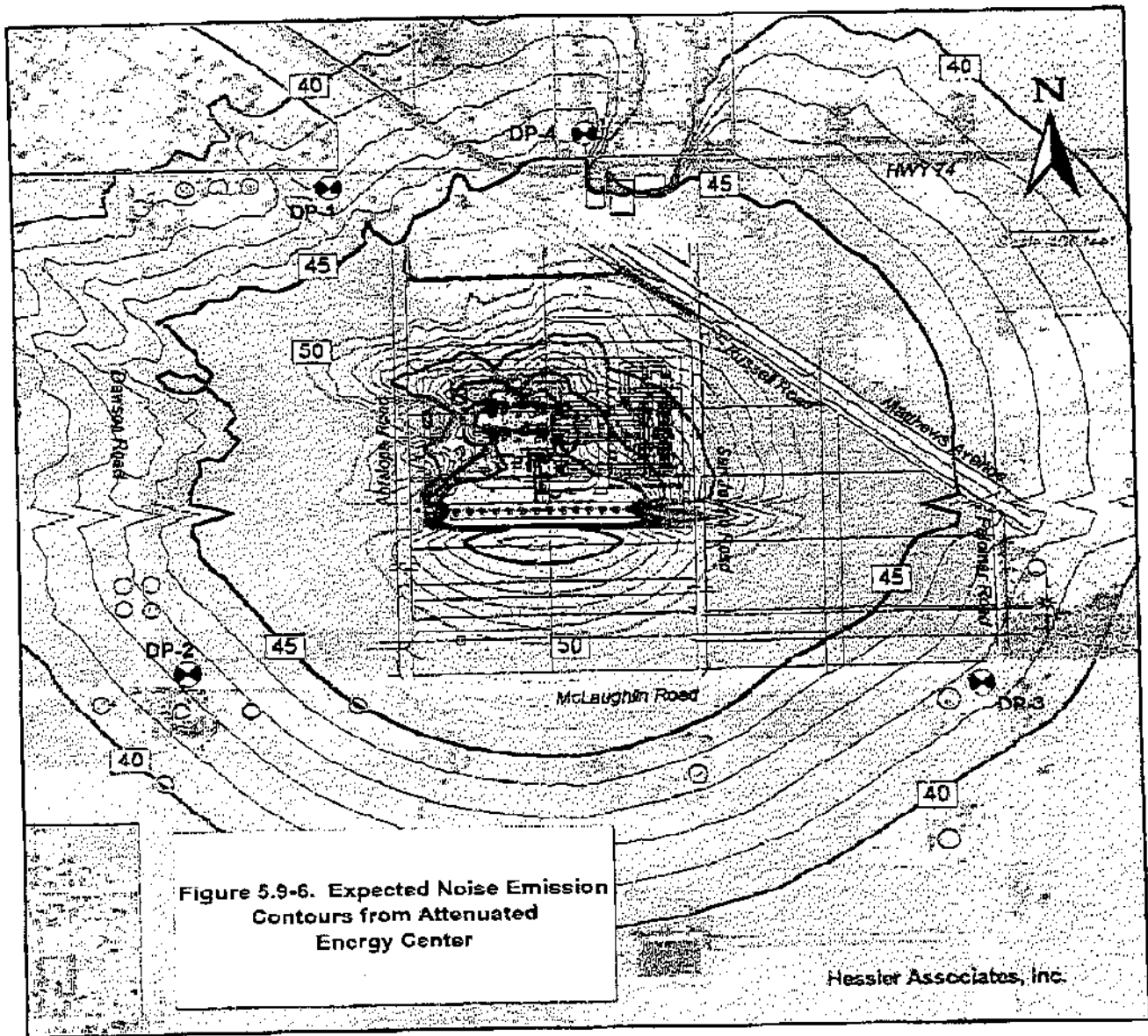


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Attachment A





Attachment B

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE
STATE OF CALIFORNIA**

Application for Certification for the)	Docket No. 01-AFC-17
INLAND EMPIRE ENERGY CENTER)	
)	PROOF OF SERVICE
)	(Revised 12/09/02)

I, Janette Hollmer, declare that on April 1, 2003, I deposited copies of the attached **Letter to Jim Bartridge** in the United States mail at Costa Mesa, California, with first class postage thereon fully prepaid and addressed to the following:

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Attn: Docket No. 01-AFC-17

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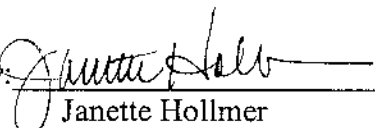
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I declare under penalty of perjury that the foregoing is true and correct.

RUTAN & TUCKER, LLP

By: 
Janette Hollmer